

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE

ESTHER MAMMIA YATES

Debtor

Case No. 17-11921-BFK
Chapter 7

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR GSR MORTGAGE
LOAN TRUST 2006-3F, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2006-3F
8950 Cypress Waters Blvd
Coppell, TX 75019

Motion No.

Movant

v.

ESTHER MAMMIA YATES
8236 Stoddard Drive
Manassas, VA 20110

and

H. JASON GOLD
CHAPTER 7 TRUSTEE
Nelson Mullins
101 Constitution Ave., N.W., Suite 900
Washington, DC 20001

Respondents

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR MORTGAGE LOAN TRUST 2006-3F, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3F, its successors and/or assigns, movant, by its attorneys, Ruhi Mirza, Esq., and Rosenberg & Associates, LLC, and respectfully represents as follows:

MARK MEYER

DC BAR 475552
MD BAR 15070
VA BAR 74290

ROSENBERG &
ASSOCIATES, LLC

4340 East West Highway
SUITE 600
BETHESDA, MARYLAND 20814
(301) 907-8000

FILE NUMBER: 67417

1. Jurisdiction is based on 11 U.S.C. Section 362(d)-(f).
2. On or about June 5, 2017, Esther Mammia Yates ("Debtor") filed a Voluntary Petition in the Court under Chapter 13 of the Bankruptcy Code, which case later converted to Chapter 7 on June 17, 2017.
3. H. Jason Gold is the Chapter 7 trustee of the Debtor's estate.
4. At the time of the initiation of these proceedings, the Debtor owned a parcel of fee simple real estate improved by a residence with a legal description of "Lot 97, Section 2, Sumner Lake, as the same appears duly dedicated, platted and recorded as Instrument No. 200101290009408 among the Land Records of Prince William County, Virginia." also known as 8236 Stoddard Drive, Manassas, VA 20110 (hereinafter "the subject property").
5. The subject property is encumbered by a Deed of Trust securing the note, which is currently held by the movant. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.
6. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR MORTGAGE LOAN TRUST 2006-3F, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3F directly or through an agent, has possession of the promissory note and held the note at the time of filing of the Movant's Motion for Relief from the Stay. The promissory note has been duly indorsed.
7. The total amount due under the Deed of Trust securing the Movant as of June 26, 2017, including attorney's fees and court costs, is approximately \$665,329.25.
8. The Debtor is in default under the Deed of Trust, and the Movant has accelerated the entire balance of the Note and Mortgage and interest continues to accrue.
9. The Debtor is behind in his/her monthly mortgage payments, and equity in the Debtor's residence is dissipating.
10. The Movant lacks adequate protection of its interest in the subject property.

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11. The Movant has been and continues to be irreparably injured by the stay of Section 362 of the Bankruptcy Code, which prevents the Movant from enforcing its rights under the Note and Deed of Trust.

12. Cause exists for lifting the automatic stay imposed by Section 362 of the Bankruptcy Code to enable the Movant to enforce its rights under its Note and Deed of Trust.

WHEREFORE, the Movant, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR MORTGAGE LOAN TRUST 2006-3F, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3F its successors and/or assigns, respectfully requests that this Honorable Court:

1. Enter an order terminating the automatic stay imposed by Section 362 of the Bankruptcy Code to enable it to proceed with a foreclosure sale, accept a deed in lieu or agree to a short sale of the real property and improvements located at 8236 Stoddard Drive, Manassas, VA 20110; and

2. Grant such other and further relief as may be just and necessary.

/s/ Ruhi Mirza, Esq. _____

Ruhi Mirza, Esq.

VA Bar 77839

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of July, 2017, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the foregoing Motion for Relief from the Automatic Stay will be served electronically by the Court's CM/ECF system on the following:

H. Jason Gold, Trustee

Nathan A. Fisher, Esquire

I hereby further certify that on the 5th day of July, 2017, a copy of the foregoing Motion for Relief from the Automatic Stay was also mailed first class mail, postage prepaid to:

Esther Mammia Yates
8236 Stoddard Drive
Manassas, VA 20110

/s/ Ruhi Mirza, Esq. _____
Ruhi Mirza, Esq.

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